

## **REMARKS**

Claims 1-14 are pending in the application. Claims 1, 3-5, 7-9, and 11 have been amended. Claims 15-20 have been added. Accordingly, Claims 1-20 are now pending in the application.

Support for new claims 15-20 may be found, for example, in paragraphs [0009], [0009], [0032], [0036], [0037], and [0041]-[0052], and in Figure 4 and original claim 9.

## **35 U.S.C. § 102 and § 103 Rejections**

Claims 1, 4, 5, 8-11, 13, and 14 were rejected under 35 U.S.C. 102(e) as being anticipated by Beardsley et al. (U.S. Patent Application Publication No. 2003/0131285). Claims 2, 3, 6, and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Beardsley in view of Gavish et al. (U.S. Patent Application Publication No. 2004/0153774).

1. Applicant respectfully submits that Beardsley fails to teach or suggest, “storing a first execution agent that is adapted to run on said first platform and a second execution agent that is adapted to run on said second platform for access by said server” as recited by claim 1.

The Examiner contends on page 2 of the pending Office Action that paragraphs [0047]-[0049] of Beardsley teach the above-highlighted features of claim 1. Applicant respectfully disagrees. In paragraphs [0047]-[0049], Beardsley teaches:

[0047] If a client computer 212, 214 is available, step 700 branches to step 702, where the test component 202 checks to see if the computer is usable. That is, the autolab component 230 determines whether the client computer includes a group and application that meets the requirements of a pending test packet. If not, the process branches back to step 700, where a check is made for other idle client computers 212, 214. If the client computer includes a group and application that meets the requirements of a pending test packet, then step 702 branches to step 704, where the client computer is assigned a test packet (FIG. 5).

[0048] FIG. 8 shows a general overview of a process for configuring a test packet into a personalized test package for the available client computer 212, 214, and assigning the test package to the client computer, in accordance with one aspect of the present invention. Beginning at step 800, the autolab component 230 checks the state (e.g., what applications are loaded and what group and/or applications are presently imaged) of the client computer 212, 214. At step 802, a determination is made whether there are pending test packets that can be run on the client computer without the client computer reimaging. That is, whether the tasks of the test packet may be performed on the client computer 212, 214 using the existing group and applications that are imaged by the computer. If so, step 802 branches to step 804, where a personalized test package is built for the client, which may include, for example, preprocessing information and application commands.

[0049] If there are not pending test packets that can be run on the client computer, then step 802 branches to step 806, where a determination is made whether there are pending test packets that may be run on the client computer 212, 214 with reimaging. That is, although the existing group may not be used, a determination is made whether the computer includes a group that may be used. Using such a group may require rebooting of the client computer 212, 214 to a different operating system and/or installation of software on which to run the tests. (Emphasis added)

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (Emphasis added)

While Beardsley teaches determining whether a test packet may be performed on a client computer 212, 214 using the existing group (i.e., platform and language) and applications, Beardsley fails to teach, “storing a first execution agent that is adapted to run on said first platform and a second execution agent that is adapted to run on said second platform for access by said server” as recited by claim 1. In fact, Beardsley fails to teach about execution agents in the disclosure.

2. In addition, Applicant respectfully submits that Beardsley fails to teach or suggest, “using said test harness, packaging a first test object with said first execution agent for download to said first computing device in a first package and packaging a second test object with said second execution agent for download to said second computing device in a second package” as recited by claim 1.

The Examiner contends on page 3 of the pending Office Action that paragraph [0044] of Beardsley teaches the above-highlighted features of claim 1. Applicant respectfully disagrees. In paragraphs [0044], Beardsley teaches:

[0044] At step 510, the autolab component 230 configures the test packet to a personalized test package for the available client computer 212, 214. The test package is then placed, at step 512, in an "assigned" status file 604 (FIG. 6). The client machine 212, 214 is then assigned the test packet at step 514. Configuring and assigning the test package is described further in connection with FIG. 8, below. (Emphasis added)

While Beardsley teaches that the autolab component 230 configures a test packet to a personalized test package for the available client computer, Beardsley fails to teach, “using said test harness, packaging a first test object with said first execution agent for download to said first computing device in a first package and packaging a second test object with said second execution agent for download to said second computing device in a second package” as recited by claim 1.

Accordingly, independent claim 1 is believed to patentably distinguish over Beardsley. Claims 2-4 are dependent upon claim 1 and are therefore believed to patentably distinguish over the cited references for at least the same reasons.

Likewise, claims 5 and 9 recite features similar to those highlighted above with regard to claim 1 and are therefore believed to patentably distinguish over Beardsley for at least the reasons given in the above paragraphs discussing claim 1. Claims 6-8 are dependent upon claim 5 and claims 10-14 are dependent upon claim 9, and are therefore believed to patentably distinguish over the cited references for at least the same reasons.

3. Furthermore, Applicant respectfully submits that Beardsley fails to teach or suggest, “displaying said suites as a hierarchy of identifiers of test objects corresponding to said test programs; and responsively to said step of displaying said suites, selecting said first test object from said first suite for execution thereof by said first computing device, and selecting said second test object from said second suite for execution thereof by said second computing device” as recited by claim 4.

The Examiner contends on page 3 of the pending Office Action that paragraph [0043] of Beardsley teaches the above-highlighted features of claim 4. Applicant respectfully disagrees. In paragraphs [0043], Beardsley teaches:

[0043] At step 504, the autolab component 230 retrieves one of the pending test packets from the database 222. A determination is made if all tests have been run on the packet at step 506 (e.g., whether a record count is zero), and, if so, the process loops back and the next packet is retrieved at step 504. If not, then step 506 branches to step 508, where the test component 202 searches, via the autolab component 230, for an available client machine 212, 214 for performing the tests in the test packet. As further described below, an available client machine 212, 214 may be idle and awaiting a test packet, or may already be running the tasks in a test packet, but should be capable of (e.g., includes the proper groups and applications for) running the tasks of the test packet. (Emphasis added)

While Beardsley teaches that the autolab component 230 retrieves one of the test packets from the database 222, Beardsley fails to teach, “displaying said suites as a hierarchy of identifiers of test objects corresponding to said test programs; and responsively to said step of displaying said suites, selecting said first test object from said first suite for execution thereof by said first computing device, and selecting said second test object from said second suite for execution thereof by said second computing device” as recited by claim 4. Accordingly, claim 4 is believed to patentably distinguish over Beardsley.

4. Additionally, Applicant respectfully requests examination of new claims 15-20, which are believed to patentably distinguish over the cited references.

**CONCLUSION**

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-80400/MJL.

Respectfully submitted,

  
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Date: 1/5/07